

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA

v.

SHARON BARNES SUTTON,

Defendant.

CRIMINAL ACTION FILE

NO. 1:19-CR-192-MHC-JKL

ORDER

This action comes before the Court on the Final Report and Recommendation (“R&R”) of Magistrate Judge John K. Larkins III [Doc. 26] recommending that Defendant’s Motion to Dismiss Indictment [Doc. 19] be denied. The Order for Service of the R&R [Doc. 27] provided notice that, in accordance with 28 U.S.C. § 636(b)(1), the parties were authorized to file objections within fourteen (14) days of the receipt of that Order. No objections have been filed by the United States or Defendant within the time permitted.

Absent objection, the district court judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” 28 U.S.C. § 636(b)(1). Based upon the absence of objections to the R&R, in accordance with 28 U.S.C. § 636(b)(1), the Court has reviewed the R&R for plain

error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court finds no plain error and that the R&R is supported by law.

Accordingly, the Court **ADOPTS** the R&R [Doc. 26] as the Opinion and Order of the Court. It is hereby **ORDERED** that Defendant's Motion to Dismiss Indictment [Doc. 19] is **DENIED**.

It is further **ORDERED** that the time between the date the Magistrate Judge certified Defendant ready for trial on September 13, 2019, and the issuance of this Order, shall be excluded in calculating the date on which the trial of this case must commence under the Speedy Trial Act because the Court finds that the delay is for good cause, and the interests of justice in providing Defendant with the right to file objections to the R&R outweigh the right of the public and the right of the defendant to a speedy trial, pursuant to 18 U.S.C. § 3161, *et seq.*

IT IS SO ORDERED this 2nd day of October, 2019.



MARK H. COHEN
United States District Judge